

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 17, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - ZON-17740 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST**

---

***THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

**Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-17745) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

**Public Works**

3. Coordinate with the City Surveyor regarding recordation of a Reversionary Map for this site; comply with the recommendations of the City Surveyor.
4. Dedicate a 10-foot radius on the northeast corner of Bridger Avenue and 9<sup>th</sup> Street and a 10-foot radius on the northwest corner of 10<sup>th</sup> Street and Bridger Street prior to the issuance of any permits.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
6. Construct all incomplete half-street improvements on Bridger Avenue, 9<sup>th</sup> Street and 10<sup>th</sup> Street adjacent to this site concurrent with development of this site.

7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

## \*\* STAFF REPORT \*\*

### PROJECT DESCRIPTION

This is a request for a rezoning from R-4 (High Density Residential) to R-5 (Apartment) on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street. The following related applications will be considered concurrently: VAC-17744, VAR-17741, VAR-17742, VAR-17743 and SDR-17745.

The project as designed is more intense than the existing residential development on this block, and requires numerous Variances and Waivers. As such, the project is not appropriate to its context, and staff recommends denial.

### BACKGROUND INFORMATION

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit for an office at 227 South 9 <sup>TH</sup> Street
	The Planning Commission recommended approval of companion items VAR-17741, VAR-17742, VAR-17743, VAC-17744 and SDR-17745 concurrently with this application.
12/07/06	The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #14/ar).
<i><b>Pre-Application Meeting</b></i>	
08/18/06	The requirements for a rezoning application were reviewed.
<i><b>Neighborhood Meeting</b></i>	
	A neighborhood meeting is not required for this type of application

<i><b>Details of Application Request</b></i>	
<i><b>Site Area</b></i>	
Net Acres	1.38 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan		X	
Redevelopment Plan Area	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

### **Redevelopment Area**

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

### **Trails**

The Master Plan Transportation Trails Element depicts a trail along Ninth Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

### **DEVELOPMENT STANDARDS**

Per Title 19.08, the following standards apply:

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front (west)</li> <li>• Side (north)</li> <li>• Corner (south)</li> <li>• Rear (east)</li> </ul>	<ul style="list-style-type: none"> <li>• 10 Feet</li> <li>• 5 Feet</li> <li>• 5 Feet</li> <li>• 20 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• 0 Feet</li> <li>• 8 Feet</li> <li>• 0 Feet</li> <li>• 0 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• N*</li> <li>• Y**</li> <li>• N*</li> <li>• N*</li> </ul>
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	66 Feet	N***

\*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

\*\*This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under Variance VAR-17742.

\*\*\*The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

Per Title 19.08.06, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	198 feet from north property line	8 feet	N
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	10 Feet	N

These setback issues will be considered under Variance VAR-17742.

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-4	50 du/ac	69	R-5	unlimited	MXU	greater than 25.49 du/ac

Per Title 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 tree/ 6 spaces	2 trees	2 trees	Y
Buffer: Min. Trees	1 tree/20 linear feet	27 trees	24 trees	N
Min. Zone Width	10 feet along 9th Street		0 feet along 9th Street	N
	10 feet along Bridger Avenue		4 feet along Bridger Avenue	N
	10 feet along Tenth Street		10 feet along Tenth Street	Y
	6 feet along north property line		5 feet along north property line	N

The applicant has requested a waiver to allow a reduction of the landscaping buffer requirements to allow 0 feet along a portion of the west property line, zero feet along Bridger Avenue, and five feet along the north property line.

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Apartments	300 one-bedroom units	1.25 spaces per unit plus one guest space for every six units	425 spaces	9 spaces	150 spaces	9 spaces	N
TOTAL (including handicap)			425 spaces	9 spaces	150 spaces	9 spaces	N
Percent Deviation					65 %		

This parking issue will be addressed under Variance VAR-17741.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
5 feet along north property line	6 feet along north property line	Denial
0 feet along 9th Street	10 feet along 9th Street	Denial
4 feet along Bridger Avenue	10 feet along Bridger Avenue	Denial

Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

## ANALYSIS

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building which will require a variance (VAR-17743) to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The applicant has also requested a variance (VAR-17743) to allow a building height of 66 feet where the R-5 (Apartment) standards allow a maximum height of 55 feet. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's height requirements, staff is recommending denial of this variance.

Because there is an existing single-family dwelling north of this site and adjacent to 9<sup>th</sup> Street, any proposed development of this site is required to comply with the proximity slope requirements of the Residential Adjacency standards. When applied to the height of the building as currently proposed (66 feet), these standards require a setback of 198 feet from the north property line which is adjacent to the existing single-family dwelling north of this site. The applicant has requested a variance (VAR-17742) to allow a setback of eight feet from the north property line where 198 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The Residential Adjacency standards also require trash enclosures to be setback at least 50 feet from single-family residential development. The applicant has requested a variance (VAR-17742) to allow the trash enclosure to be 10 feet from single-family development. Because the site plan could be redesigned to include a trash enclosure which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The applicant has requested a variance (VAR-17741) to allow 150 parking spaces on this site where 425 are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance. As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the unvacated portion of the existing alley to Tenth Street. Because staff is recommending denial of the rezoning, site development plan review and variances associated with this development, staff is recommending denial of the alley vacation. A 10-foot wide landscape buffer that complies with city standards is proposed along Tenth Street. The applicant has requested waivers to allow no perimeter landscaping along Ninth Street where ten feet is required; to allow four feet along Bridger Avenue where 10 feet is required; and to allow five feet along the north property line where six feet is required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

The elevations depict a stucco exterior with aluminum accents.

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **“The proposal conforms to the General Plan.”**
2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**
3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**
4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

**In regard to “1”:** The Downtown Redevelopment Plan designates the area along Seventh Street as MXU (Mixed Use Urban), which allows a range of residential, office, service and general commercial uses. The proposed R-5 (Apartment) district conforms to this existing designation.

**In regard to “2”:** The surrounding zoning districts consist of a mixture of R-4 (High Density Residential), C-2 (General Commercial), and C-V (Civic). Several residential structures remain on the same block as the proposed rezoning. The properties in the vicinity are developed with uses that would normally be compatible with the proposed R-5 (Apartment) district. In this instance, however, the five-story, 55-foot building height that the R-5 district would allow is not desirable in this area, as buildings taller than two stories would be out of character with most homes and businesses in the area.

**In regard to “3”:** The project as designed is more intense than other existing or proposed developments in the area, and requires numerous Variances and Waivers. As such, the project is not appropriate to its context.

**In regard to “4”:** The property is accessible from Ninth Street and Tenth Street. Both streets are adequate to meet the needs of the proposed R-5 (Apartment) District.



**PLANNING COMMISSION ACTION**

There were three speakers opposed and one in favor at the Planning Commission Meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 18

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 129 by Planning Dept

**APPROVALS** 1

**PROTESTS** 0